

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

CALEB JACKSON  
TX-1324707-R

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DOCKETED COMPLAINT NO.  
06-082

**AGREED FINAL ORDER**

On this the 27<sup>th</sup> day of June, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Caleb Jackson (Respondent).

In order to conclude this matter, Caleb Jackson neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent Caleb Jackson is a Texas state certified residential real estate appraiser, holds certification number TX-1324707-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about September 18<sup>th</sup>, 2005, Respondent appraised real property located at 3841 FM 636, Kerens, Texas 75144 ("the property").
3. B.J. Fenoglio filed a complaint with the Board alleging that the appraisal report Respondent performed on the property contained various deficiencies with respect to analysis, reporting and methodology.
4. On or about May 17<sup>th</sup>, 2006 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property.
  - a) Respondent failed to adhere to the record keeping provisions of USPAP's Ethics Rule;

- b) Respondent failed to report the scope of work necessary to complete the assignment;
- c) Respondent communicated a misleading appraisal report for the property;
- d) Respondent failed to adequately identify and report the improvement(s) description;
- e) Respondent failed to identify and consider the effect on value of personal property such as an above-ground pool and several storage sheds and barns;
- f) Respondent failed to identify and analyze the effect on use and value of economic supply and demand and market area trends;
- g) Respondent did not provide a summary of his reasoning behind his highest and best use determination for the property being appraised;
- h) Respondent used inappropriate methods or techniques in his cost approach analysis, including his determination of site value, cost new of improvements and depreciation;
- i) Respondent failed to analyze and reconcile sales comparison data properly, and has not employed recognized methods and techniques in his sales comparison approach analysis; and,
- j) Respondent's report contained substantial errors of commission or omission with respect to scope of work, the sales comparison and cost approach analyses as noted above which resulted in a misleading appraisal report for the property.

### **CONCLUSIONS OF LAW**

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule; USPAP Standards Rules: 1-2(f) & 2-2(b)(vii); 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(iii), 1-4(g) & 2-2(b)(ix); 1-3(a) & 2-2(b)(ix); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-4(b)(iii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-1(a) & 1-4(a); 1-1(a); 1-1(b); and, 2-1(a).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omissions of material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Have his certification suspended for eighteen months with this suspension being fully probated under the following conditions:
  - i. During the entire eighteen month suspension Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities he has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments ~~he~~ <sup>she</sup> performs during the course of his period of probation within twenty days of notice of any such request;
  - ii. Respondent shall timely complete all of the remedial coursework required in this Order;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies or the Sales Comparison Approach;
- d. Attend and complete a minimum, 15 classroom-hour course in Report Writing;
- e. Attend and complete a minimum, 15 classroom-hour course in Highest and Best Use;
- f. Pay an administrative penalty of \$1,500.00 the payment of which shall be fully probated under the condition that Respondent shall timely comply with all the provisions of this Agreed Final order and,
- g. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a

hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518, including, but not limited to possible revocation of the above-noted probated suspension and imposition of the probated administrative penalty.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

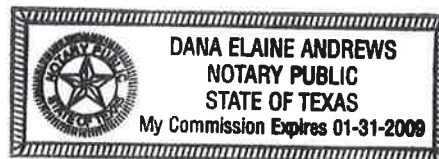
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 11<sup>th</sup> day of JUNE, 2008.

Caleb Jackson  
CALEB JACKSON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 11<sup>th</sup> day of JUNE, 2008, by CALEB JACKSON, to certify which, witness my hand and official seal.

Dana Elaine Andrews  
Notary Public Signature  
DANA ELAINE ANDREWS  
Notary Public's Printed Name



Signed by the Commissioner this 27<sup>th</sup> day of JUNE, 2008.

Timothy K. Irvine  
Timothy K. Irvine, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 27<sup>th</sup> day of JUNE, 2008.

Clinton P. Sayers  
Clinton P. Sayers, Chairperson  
Texas Appraiser Licensing and Certification Board